



**Minutes of the  
City Commission for the City of Traverse City**

**Regular Meeting**

**April 18, 2016**

A regular meeting of the City Commission of the City of Traverse City was called to order at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, at 7 p.m.

The following Commissioners were in attendance: Mayor Jim Carruthers, Mayor Pro Tem Ross Richardson, Brian Haas, Gary Howe, Richard I. Lewis (departed at 9:08 p.m.), Amy Shamroe, and Tim Werner.

The following Commissioners were absent: None.

The Pledge of Allegiance was recited.

Mayor Jim Carruthers presided at the meeting.

Moved by Lewis, seconded by Shamroe, that the City Commission suspends Rule 9(a) to modify the agenda to add the following item as Old Business 3(d): "Consideration of entering into closed session regarding settlement strategy in connection with the Clinch Park Waterscape.

CARRIED unanimously.

As requested by Commissioner Gary Howe, Agenda Item 2(i) was removed from the Consent Calendar for individual consideration by the Commission.

As requested by Rick Buckhalter, 932 Kelley Street, Agenda Items 2(h) and 2(l) were removed from the Consent Calendar for individual consideration by the Commission.

**2. Consent Calendar**

Moved by Werner, seconded by Haas, that the following actions as recommended on the amended Consent Calendar portion of the Agenda be

approved:

- a. The minutes of the April 4, 2016, Regular Meeting and April 11, 2016, Study Session, be approved.
- b. The City Manager be authorized to issue a service order to Otwell Mawby on a time and expense basis in the not to exceed amount of \$20,000, for environmental construction management services for the Garland Street reconstruction project, with funds available in the Capital Projects fund.
- c. The Mayor and City Clerk execute a consultant agreement with Gosling Czubak in the amount of \$10,340, for construction staking services associated with the 2016 Paving and Resurfacing Projects Phase I, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney, with funds available in the Capital Projects Fund.
- d. The following resolutions be adopted: Resolution in Support of Critical Bridge Support for the South Union Street Bridge and the Resolution in Support of Critical Bridge Support for the North Cass Street Bridge, in support of the City's grant application to the Michigan Department of Transportation (MDOT) Local Bridge Program.
- e. The City Manager be authorized to issue a purchase order to Traffic and Safety Control Systems in the amount not to exceed \$184,417.00 for a minimum of 14 multi-space pay stations, with funds available in the Parking System Fund, and recurring subscriptions to be billed monthly by T2 Systems in the amount of \$75 per pay station with funds available in the Parking System Fund, and that the City Commission action of April 4, 2016 authorizing a purchase order for 14 multi-space pay stations, be superseded.
- f. The Mayor and City Clerk execute an amendment to the lease agreement with The History Center for it to lease a portion of the City-owned Carnegie Building at 322 Sixth Street (originally authorized March 16, 2015), with the amendment to reduce the space leased by The History Center and the lease payment proportionately, as generally described in the April 8, 2016, communication from the Assistant City Manager, such amendment subject to approval as to its substance by the City Manager and its form by the City Attorney.

- g. The Mayor and City Clerk execute an agreement with the Detroit Institute of Art for the Inside Out Street Art Program with terms as generally described in the Downtown Development Authority Marketing/Deputy Director's April 11, 2016, communication.
- h. Removed from Consent Calendar:
- i. Removed from the Consent Calendar:
- j. The City Commission accepts the determination by the Grand Traverse Commons Joint Planning Commission that revisions to or a rewrite of the Grand Traverse Commons Master Plan are not necessary
- k. The City of Traverse City Affidavit Affecting Title for the Purposes of Amending and Clarifying Resolution Vacating, Discontinuing and Abolishing, which clarifies the City Commission action of November 18, 1996, regarding East Front Street, be adopted.
- l. Removed from the Consent Calendar.

CARRIED unanimously.

**Items removed from the Consent Calendar**

a.

Consideration of introducing an amendment to the Traverse City Code of Ordinances which would allow additional uses and modify the development requirements in the Transportation Districts, to allow other uses which are compatible or complimentary to the operation of the Cherry Capital Airport, as recommended by the Planning Commission.

Moved by Howe, seconded by Werner, that introduction of Traverse City Code of Ordinances Chapter 1348, Transportation District Amendment, be tabled until such time as administrative land use permit and subsequent standards be developed for City Commission consideration regarding large buildings, or another alternative, such as adding additional conditions for such large retail

buildings over 25,000 square feet, to be developed and recommended by the City Planning Department to be considered no later than the City Commission Regular Meeting of June 20, 2016.

The following addressed the Commission:

Russ Soyring, City Planning Director  
Kevin Klein, Cherry Capital Airport Director  
Rick Buckhalter, 932 Kelley Street  
Mark Eckhoff, Northwest Regional Airport Commission Chairman  
Chuck Judson, Cherry Capital Airport Legal Counsel

Roll Call:

Yes - Haas, Howe, Werner.

No - Lewis, Shamroe, Richardson, Carruthers.

FAILED.

Moved by Lewis, seconded by Howe, that an amendment to the Traverse City Code of Ordinances, Chapter 1348, Transportation District Amendment, which would allow other uses that are compatible or complementary to the airport operation within the district and could address the nuances with parking lot location for uses on airport grounds, which was recommended by the City Planning Commission, be introduced and scheduled for possible enactment on May 2, 2016; and that this matter be scheduled for additional consideration at the City Commission's April 25, 2016, Study Session.

CARRIED unanimously.

b.

Consideration of authorizing payment for legal services in connection with the dispute regarding the Clinch Park Waterscape.

The following addressed the Commission:

Marty Colburn, City Manager

Moved by Shamroe, seconded by Haas, that the City Manager be authorized to approve payment to Foley, Baron, Metzger & Juip in the amount of \$21,611.35 for professional legal and expert witness fees in connection with the Clinch Park Waterscape, with funds to come from the City Commission Budget.

Rick Buckhalter, 932 Kelley Street

CARRIED unanimously.

c.

Consideration of authorizing the City Manager to send a letter extending the City's option to purchase 145 West Front Street for 45 days from April 26, 2016.

The following addressed the Commission:

Marty Colburn, City Manager  
Rick Buckhalter, 932 Kelley Street

Moved by Haas, seconded by Shamroe, that the City Commission authorizes the City Manager to send a letter to Great Lakes Central Properties 124 LLC extending the City's option to purchase 145 West Front Street by 45 days from April 26, 2016, as allowed by Section 1 of the Option Agreement dated October 26, 2015.

Rob Bacigalupi, Downtown Development Authority Executive Director

CARRIED unanimously.

### **3. Old Business**

**3(a).**

Consideration of entering into closed session to discuss an attorney-client privileged communication in connection with the Brown Bridge Dam Deconstruction Project.

The following addressed the Commission:

Marty Colburn, City Manager

Moved by Howe, seconded by Shamroe, that the City Commission enter into closed session to discuss an attorney-client privileged communication in connection with the Brown Bridge Dam Deconstruction Project as authorized by MCL 15.268(h).

Roll Call:

Yes - Haas, Howe, Lewis, Shamroe, Werner, Richardson, Carruthers.

No - None.

CARRIED unanimously.

**3(b).**

Public Hearing on the assessment roll for Special Improvement District SID 2016-002 which would cause the installation of a snowmelt system on the north side of the 200 block of East Front Street; and consideration of withdrawing the SID.

The following addressed the Commission:

Marty Colburn, City Manager

Mayor Carruthers opened the public hearing.

There being no one desiring to speak, Mayor Carruthers closed the public hearing.

Moved by Howe, seconded by Haas, that the request for Special Improvement District No. 2016-002, be withdrawn.

CARRIED unanimously.

**3(c).**

Consideration of concurring with the Planning Commission's determination that the US-31 / M-37 (Division Street) Planning and Environmental Linkages Process is consistent with the Master Plan; and authorizing the City Manager to officially indicate concurrence with the plan on behalf of the City

The following addressed the Commission:

Marty Colburn, City Manager  
Russ Soyring, City Planning Director  
Patty O' Donnel, Michigan Department of Transportation North Region Planner

Moved by Lewis, seconded by Shamroe, that the City Commission concurs with the US-31/M-37 (Division St) Planning and Environmental Linkages (PEL) Process Final Report Executive Summary March 2016, and authorizes the City Manager to execute the concurrence document.

Lauren Tribble-Laucht, City Attorney  
Walter Muellenhagen, Traverse City Elk's Lodge  
Julia Wagner, 402 West 11<sup>th</sup> Street  
Adrienne Rossi, 312 West Seventh Street  
Jo Roland, 19395 Whispering Trail, Peninsula Township, Elks Lodge Trustee  
Sherry Murray, 602 West 11<sup>th</sup> Street  
Andy Andres, 1107 Barlow Street  
Priscilla Bachmann (sp?), 4824 Red Oaks Drive, Long Lake Township

Roll Call:

Yes - Haas, Howe, Lewis, Shamroe, Richardson, Carruthers.

No - Werner.

CARRIED.

**3(d).**

Consideration of entering into closed session regarding settlement strategy in connection with the Clinch Park Waterscape.

Moved by Haas, seconded by Howe, that the City Commission enter into closed session to discuss settlement strategy in connection with the Clinch Park Waterscape as authorized by MCL 15.268(e).

Roll Call:

Yes - Haas, Howe, Lewis, Shamroe, Werner, Richardson, Carruthers.

No - None.

CARRIED unanimously.

**4. New Business**

None.

**5. Appointments**

None.

**6. Reports and Communications**

The following were received and filed:

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.



- d. Reports and correspondence from other City officials, boards and committees.
  - 1. Reports from members of the Commission serving on boards.
  - 2. Minutes of the United States Coast Guard City Committee meeting of March 3, 2016.
  - 3. Minutes of the Human Rights Commission Regular Meeting of February 8, 2016.
  - 4. Report from the Code Enforcement Officer for the first quarter of 2016.
- e. Reports and correspondence from non-City officials.

## **7. Public Comment**

The following addressed the Commission:

- 1. Reserved.

None

- 2. General.

Bill Wiesner, 7998 East Fouch Road, Elmwood Township

- 3. Mayor and City Commissioners.

Mayor Jim Carruthers

(Commissioner Lewis departed the meeting)

The City Commission entered into closed session at 9:08 p.m.

The City Commission returned to open session at 9:44 p.m.

Moved by Richardson, seconded by Commissioner Haas, that the Mayor and City Clerk be authorized to execute the administrative consent order in connection with the Brown Bridge Dam Deconstruction Project, with the order subject to approval as to its substance by the City Manager and its form by the City Attorney.

CARRIED unanimously. (Lewis absent)

### **8. Adjournment**

There being no objection, Mayor Jim Carruthers declared the meeting adjourned at 9:45 pm.

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Benjamin Marentette, MMC  
City Clerk

Approved: \_\_\_\_\_, \_\_\_\_\_  
(Date) (Initials)